

**Presentment Date: November 30, 2010**  
**Response Deadline: November 24, 2010**  
**Hearing Date: December 8, 2010**

POLSINELLI SHUGHART PC

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*Counsel for City National Bank*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In re:

MICHAEL I. FISCHMAN and  
SHOSHANNA FISCHMAN,  
Debtors.

Chapter 11

Case No. 10-44189 (CEC)

**NOTICE OF PRESENTMENT**

PLEASE TAKE NOTICE that City National Bank, by and through its attorneys, Polsinelli Shughart PC, will present for signature to the Honorable Carla E. Craig, United States Bankruptcy Judge, Eastern District of New York, on November 24, 2010, at 12:00 pm (“**Presentment Date**”), an order authorizing the withdrawal and substitution of counsel for City National Bank.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief sought and provided in the proposed Order, and as set forth in the Motion for Withdrawal and Substitution of Counsel filed herewith, must be filed in the Office of the Clerk of the Bankruptcy Court electronically in accordance with General Order #559 by registered users of the Court’s electronic case filing system and, by all other parties in interest, on a 3.5-inch disk, preferably Portable Document Format (PDF), WordPerfect or any other Windows-based word processing format (with a hard copy delivered to Chambers) and served in accordance with General Order

#559 or by First-Class United States mail and served upon the attorney for City National Bank, Polsinelli Shughart PC, 7 Penn Plaza, Suite 600, New York, New York, 10001, Attn: Jason A. Nagi, Esq. (jnagi@polsinelli.com).

PLEASE TAKE FURTHER NOTICE, that in the event a timely objection is received, the Court shall schedule a hearing for December 8, 2010 at 2:30 p.m.

Dated: New York, New York  
November 3, 2010

POLSINELLI SHUGHART PC

By: /s/ Jason A. Nagi  
Jason A. Nagi (JN 6891)  
7 Penn Plaza, Suite 600  
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Chapter 11

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**MOTION TO WITHDRAW AND SUBSTITUTE COUNSEL**

Jason A. Nagi of Polsinelli Shughart PC moves this Court, pursuant to Local Rule 2090-1(d), to withdraw Harold Somer and substitute Jason A. Nagi of the law firm of Polsinelli Shughart PC, as counsel of record for City National Bank (“**CNB**”), a creditor in the above-captioned matter.

1. I have been admitted to practice on a regular basis before the United States Bankruptcy Court.
2. I will act as counsel, and the substitution will not affect the overall administration of this matter.
3. Harold Somer is withdrawing as counsel of record at the request of CNB.

4. I respectfully request entry of an Order substituting counsel as follows:

### Withdrawing Counsel:

Harold Somer  
1025 Old Country Road, Suite 404  
Westbury, New York 11590  
Telephone: (516) 241-8962  
Fax: (516) 333-0654  
E-mail: [harold.somer@verizon.net](mailto:harold.somer@verizon.net)

Appearing/Substituting Counsel:

Jason A. Nagi  
Polsinelli Shughart PC  
7 Penn Plaza, Suite 600  
New York, New York 10001  
Telephone: (212) 644-2092  
Fax: (212) 684-0197  
E-mail: [jnagi@polsinelli.com](mailto:jnagi@polsinelli.com)

WHEREFORE, Jason A. Nagi respectfully requests that this Court enter an order allowing Harold Somer to withdraw as counsel of record and substitute Jason A. Nagi of Polsinelli Shughart PC to act a counsel for creditor City National Bank, and for such other and further relief as the Court deems just.

Dated: New York, New York  
November 3, 2010

POLSINELLI SHUGHART PC

By: /s/ Jason A. Nagi  
Jason A. Nagi (JN 6891)  
7 Penn Plaza, Suite 600  
New York, New York 10001  
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**CERTIFICATE OF SERVICE**

I, Jason A. Nagi, hereby certify that on the 3<sup>rd</sup> day of November, 2010, a true and correct copy of the foregoing *Notice of Presentment* and *Motion to Withdraw and Substitute Counsel* was served electronically to Debtors' counsel, the U.S. Trustee, and all parties registered to receive ECF notification from the Court, and served by electronic mail and First Class United States Mail, postage prepaid, to:

City National Bank  
Attn: Mike Zandpour  
555 S. Flower Street, 18<sup>th</sup> Floor  
Los Angeles, CA 90071  
[Mike.Zandpour@cnb.com](mailto:Mike.Zandpour@cnb.com)

/s/ Jason A. Nagi